ORDINANCE 2018-001        PASSED: JANUARY 8, 2018

AMENDING CHAPTER 23 “UNIFIED DEVELOPMENT
ORDINANCE”, ARTICLE 13 “SIGNS”, OF THE
MUNICIPAL CODE OF THE CITY OF DEKALB, ILLINOIS,
TO ALLOW PROJECTING SIGNS IN THE “CBD”
CENTRAL BUSINESS DISTRICT TO INCLUDE
PRODUCTS DIRECTLY ASSOCIATED WITH THE
BUSINESS.

WHEREAS, the City of DeKalb is a home-rule municipality with the powers and
authority conferred upon it by virtue of the Illinois Constitution of 1970 and the Illinois
Municipal Code; and

WHEREAS, Section 6(a) of Article VII of the Illinois Constitution of 1970 gives to Home
Rule Municipalities the authority to exercise any powers pertaining to its government
and affairs including, but not limited to, the power to regulate for the protection of the
public health, safety, morals and general welfare; and

WHEREAS, the City of DeKalb has adopted a Unified Development Ordinance (UDO),
which sets forth the zoning and subdivision standards and procedures for the City of
DeKalb; and

WHEREAS, Article 13 of the UDO sets forth regulations for signs; and

WHEREAS, the City wishes to amend portions of Article 13 that restrict signs in the
“CBD” Central Business District by allowing projecting signs to display a product directly
associated with the business; and

WHEREAS, the Planning and Zoning Commission held a public meeting on this
proposed amendment at its meeting on December 6, 2017, at which time the
Commission recommended approval of the proposed amendment by a vote of 4-0-3.

THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of DeKalb,
DeKalb County, Illinois, as follows:

Section 1. Chapter 23 “Unified Development Ordinance”, Article 13 “Signs,” shall be
amended as follows:

13.07.07 Area of Special Control – “CBD” Central Business District

1. Projecting Signs: In the “CBD” Central Business District, projecting signs
are permitted, subject to the provisions below:

   a. Projecting signs shall neither extend more than four (4) feet from the
      vertical plane of the façade, or closer than two (2) feet to the back of
      the curb of the street on which the said façade fronts;
b. Projecting signs shall not exceed twelve (12) square feet in area;

c. The lowest portion of a projecting sign shall not be closer than eight (8) feet to the sidewalk and the highest portion of the sign, including the supporting structure, shall not be taller than the building wall;

d. The sign shall advertise only the name and/or nature of the business and not any particular product sold. However, the sign may display a product directly associated with the business. No such product shall violate any other provision of this UDO, nor shall any such product relate to the imagery or products of a sexual nature or which appeal to a prurient nature;

e. Remote lighting by a neutral color is permitted. Such remote illumination must be placed so that it does not interfere with similar lighting of the next adjacent establishment or vehicular movement. Remote lighting shall not project from the façade of the building more than eleven (11) inches. Interior lighting is not allowed; and

f. The area of all projecting signs counts toward the total area of signage allowed per paragraph 2, below.

Section 2. All ordinances or portions thereof in conflict with this Ordinance, including the prior versions of the ordinances included above, are hereby repealed.

Section 3. Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and affect the same as if the invalid provision had not been a part of this Ordinance.

Section 4. This Ordinance shall be in full force and effect after passage and publication pursuant to law. Publication date: January 9, 2018. Effective date: January 18, 2018.


ATTEST:

SUSANNA HERRMANN, City Clerk

JERRY SMITH, Mayor
City of DeKalb
Planning and Zoning Commission
Staff Report

DATE: December 1, 2017

TO: Planning and Zoning Commission Members

FROM: Jo Ellen Charlton, Community Development Director
       Dan Olson, Principal Planner

SUBJECT: Planning and Zoning Commission Meeting –
         December 6, 2017

Public Hearing - Text Amendments to the Unified Development Ordinance

Background and Analysis

The City has initiated text amendments to the Unified Development Ordinance (UDO), Article 13 “Signs,” to allow projecting signs in the “CBD” Central Business District to include products sold with restrictions on text and size. A public hearing notice was prepared and was published in the newspaper on November 18, 2017.

In the UDO projecting signs are only allowed in the “CBD” Central Business District. Projecting signs are defined in the UDO as “Any sign which projects from the building wall at any angle other than a plan primarily parallel to the building wall; excluding signs attached to the vertical face of marquees or canopies. Most projecting signs are oriented in a plane perpendicular to the building wall.” In the “CBD” District projecting signs have restrictions on how far they can project from the wall, a maximum square footage and a minimum height the bottom of the sign has to be above the sidewalk. The UDO also requires that projecting signs “shall advertise only the name and/or nature of the business and not any particular product sold” (see attached regulations from the UDO).
It should be noted that “projecting signs” are different than “wall signs” which are defined in the UDO as being “substantially flush with the building wall, shall not extend beyond the wall of the building more than 18 inches and shall not project beyond any property line.” Wall signs have separate regulations regarding size, number allowed and permitted location. The vast majority of businesses have wall signs.

Gordon Hardware, located at 514 E. Lincoln Highway, requested earlier this year to erect a projecting sign along the wall of the business facing Lincoln Highway as part of their façade improvement project on the building. Part of the proposed sign included a wrench as part of the bracing of the sign (see drawing below). Since products being sold are not allowed in a projecting sign, they could not construct the sign as proposed. Gordon Hardware modified the sign and did get a permit to erect the sign without the wrench (see photo below). Gordon Hardware would like to modify the sign to include the wrench, however an amendment to the UDO is necessary before the wrench can be added to the sign.

Originally Designed

![Original Design](image1.jpg)

Erected

![Erected Sign](image2.jpg)

It is unclear why the UDO restricts products being sold from projecting signs since wall signs have no such restriction. The UDO does have a list of several prohibited signs including rotating signs, flashing signs, and attention getting devises such as pennants and streamers. The UDO also prohibits signs which contain human or humanized characters, caricatures or cartoons, except for wall signs, awning and projecting signs. Since human or humanized characters, caricatures or cartoons are allowed on projecting signs, it would seem reasonable to allow products sold on the signs also.
Exhibit A to the Text Amendment application proposes the following language change:

Amend Article 13.07.07 (1)(d) of the UDO by deleting the language and substituting the following:

d. The sign shall advertise only the name and/or nature of the business. However, the sign may display a product directly associated with the business. No such product shall violate any other provision of this UDO, nor shall any such product relate to imagery or products of a sexual nature or which appeal to a prurient nature.

The original amended language proposed to remove the allowance of humanized, characterized, or cartoonish characters on projecting signs. These figures/characters are also allowed on wall signs and canopies in the UDO. They are prohibited on all other signs (e.g. ground signs). If the Commission wishes to remove humanized, characterized, or cartoonish characters from projecting signs, the sample motion provided below would have to be modified.

Recommendation:

Sample Motion:

I move that the text amendments regarding projecting signs as described in Exhibit A to the Text Amendment application dated 11-17-17 be approved.
TEXT AMENDMENT PETITION

TO:       City Council, City Clerk, and Mayor of the City of DeKalb, Illinois

FROM:    Petitioner Name(s): City of DeKalb                     Telephone: 815-748-2060
            Petitioner's Representative: Dan Olson                Cell: 
            Mailing Address: 200 S. 4th St., DeKalb, IL 60115    Email: dan.olson@cityofdekalb.com

1. The petitioner hereby petitions the City of DeKalb to amend the Unified Development Ordinance as follows – attach additional page(s) if necessary:

   A. What is the text amendment regarding?
      To allow projecting signs in the “CBD” Central Business District to include products sold with restrictions on text and size

   B. What Article(s) and Section(s) of the Unified Development Ordinance are proposed for amendment?
      UDO Article 13 “Signs,” Section 13.07.07(1)

   C. What is the proposed revised text?
      See attached Exhibit A

   D. Describe the reason for this text amendment request, and what the intended effect will be.
      To allow unique sign design that includes products sold with restrictions on text and size

2. The petitioner hereby submits the Petition Fee ($500.00).

3. The petitioner hereby states that a pre-application conference ☑ was ✗ was not held with City staff prior to the submittal of this petition.
   *Date of pre-application conference: not applicable
   Those in attendance: not applicable

   *(Note to Petitioner: A pre-application conference with staff is highly encouraged to avoid delays and help in the timely processing of this petition.)

March 2017
4. The petitioner hereby agrees that this petition will be placed on the Planning and Zoning Commission's agenda only if it is completed in full and submitted in advance of established deadlines.

5. The petitioner has read and completed all of the above information and affirms that it is true and correct.

6. Petitioner/property owner(s) hereby give the City of DeKalb permission to post a public notice sign(s) on the subject property.

[Signature]
Petitioner Signature

[Date]
11/17/17

[Signature]
Petitioner Signature

[Date]

Subscribed and sworn to before me this 20th day of November, 2017.

[Signature]
Notary Public Signature

"OFFICIAL SEAL"
RUTH A. SCOTT
Notary Public, State of Illinois
NOTARY ID 803786
My Commission Expires 6/24/18

March 2017
Exhibit A

Amend Article 13.07.07 (1)(d) of the UDO by deleting the language and substituting the following:

d. The sign shall advertise only the name and/or nature of the business. However, the sign may display a product directly associated with the business. No such product shall violate any other provision of this UDO, nor shall any such product relate to imagery or products of a sexual nature or which appeal to a prurient nature.
LEGAL NOTICE

NOTICE is hereby given that a public hearing will be held before the DeKalb Planning and Zoning Commission at its regular meeting on Wednesday, December 6, 2017 at 6:00 p.m. in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois, on City-initiated text amendments to Municipal Code Chapter 23 "Unified Development Ordinance": Article 13 "Signs," Section 13.07.07(1) to allow projecting signs in the "CBD" Central Business District to include products sold with restrictions on text and size and any related amendments deemed necessary pursuant to public hearing and review.

All interested persons are encouraged to submit written comments on this proposal to the City of DeKalb by 5:00 p.m. on Wednesday, November 29, 2017, and are invited to appear and be heard at the time and place listed above. Further information is available from the Community Development Department, 815-748-2060.

Christina Atherton, Chair
DeKalb Planning and Zoning Commission
City of DeKalb
13.07.04 Changeable Copy Signs

1. Each lot, building or property, whichever is most restrictive, may have one manual changeable copy sign, which may be either a wall sign or part of a ground sign.

2. If the changeable copy sign is part of the ground sign, the changeable copy sign shall not exceed eighteen (18) square feet in area.

3. Changeable Copy Signs shall conform to the regulations for ground signs or wall signs, except as otherwise provided for in this subsection.

4. No advertising shall be placed upon a changeable copy sign other than the owner or references to the business conducted within the premises to which the sign is attached, community events and the time and/or temperature.

13.07.05 Gasoline Station or Drive-Through Canopy Signs

1. Gasoline Station and Drive-Through Canopy Signs

A gasoline station or drive-through facility with a permitted canopy may have no more than one (1) sign, attached on each of any two (2) sides of the vertical face of the canopy. The area of each sign shall not exceed ten (10) square feet. When attached to the vertical face of the canopy, each sign shall be a flat sign and shall not project above or below the vertical face of the canopy by more than one (1) foot and shall not infringe upon the vertical clearance requirements of Article 7, Section 7.04 of this Ordinance. If illuminated, such signs shall only be illuminated by non-intermittent light sources.

2. Gas Station Price Signs

   a. Gasoline price signs accessory to gasoline stations will be permitted to have one digital or manual changeable copy sign to show current gasoline prices at all times;

   b. The total Electronic Changeable Copy sign(s) area shall not exceed a total of twelve (12) square feet per sign face. Lighting intensity shall be restricted to 500 nits;

   c. Gasoline pricing information shall be a fixed, non-intermittent, static message with no wipes, fades, flashes or similar effects.

13.07.06 Window Signs

1. Window signs are allowed in addition to other permitted signs and are not included as part of the area calculation of wall signs.

2. The maximum area of shop window signs shall not exceed forty (40) percent of the area of the window in which it is placed or is visible.

13.07.07 Zone of Special Control - "CBD" Central Business Zoning District

1. Projecting Signs: In the "CBD" Central Business Zoning District, projecting signs are permitted, subject to the provisions below.

   a. Projecting signs shall neither extend more than four (4) feet from the vertical plane of the façade, or closer than two (2) feet to the back of the curb of the street on which the said façade fronts;
b. Projecting signs shall not exceed twelve (12) square feet in area;

c. The lowest portion of a projecting sign shall not be closer than eight (8) feet to the sidewalk and the highest portion of the sign, including the supporting structure, shall not be taller than the building wall;

d. The sign shall advertise only the name and/or nature of the business and not any particular product sold;

e. Remote lighting by a neutral color is permitted. Such remote illumination must be placed so that it does not interfere with similar lighting of the next adjacent establishment or vehicular movement. Remote lighting shall not project from the facade of the building more than eleven (11) inches. Interior lighting is not allowed;

f. The area of all projecting signs counts toward the total area of signage allowed per paragraph 2, below.

2. In the Central Business District, the size of all signs shall not exceed an area of two (2) square feet per one (1) lineal foot of building frontage. This includes all ground, projecting, canopy, awning, marquee, and wall signs.

3. Awnings, Canopies and Marquee Signs

a. The construction materials and manner of construction of all awnings, canopies and marquees shall be subject to Chapter 6 of the City of DeKalb Municipal Code.

b. No awning, canopy or marquee shall be constructed or erected so that the lowest portion thereof is less than eight (8) feet above the sidewalk or parkway.

c. No awning, canopy or marquee shall be constructed or erected to extend neither greater than five (5) feet from the vertical plane of the building façade, nor closer than two (2) feet to the back of the curb of the street on which the building fronts.

d. All awnings, canopies and marquees shall be supported solely by the building to which they are attached and no columns or posts shall be permitted as supports.

e. No advertising shall be placed on any awning or canopy except that the name of the owner and business, industry or pursuit conducted within the premises may be painted on or otherwise permanently placed in letters not exceeding twenty (20) inches in height on the front and side portions thereof.

f. Any letters, numbers or characters painted or otherwise permanently placed on a canopy, awning or marquee shall count toward the maximum area of wall signage permitted per Paragraph 2, above. The area of signage on an awning, canopy or marquee shall be measured and considered as contributing to a property’s maximum permitted wall signage area in accordance with the provisions of Article 13.05.02 Determination of Sign Area.

4. Special event signs may be placed on the sidewalk portion of the public right-of-way if no practicable alternative exists to place the sign on private property. Such signs may be approved by the City Council, after receiving a report and recommendation from the Community Development Director, or his/her designee, in accordance with the provisions found in Article 13.05, subparagraph 6, except as follows:

a. Such signs shall be limited to a thirty (30) day maximum exposure period for not more than two (2) times during a calendar year. The City Council may extend this maximum exposure period when necessary.